

California Department of Insurance

Fraud Division

November 2013 Workers' Compensation Fraud Convictions

Effective January 01, 2005, Assembly Bill 2866 (Frommer) enacted Insurance Code Section 1871.9 requiring the posting of all workers' compensation fraud convictions to the CDI website.

Per section 1871.9, the department shall post all of the following information on its Internet Web site for each person, as defined in Section 19, convicted of a violation of this article (1871.4), Section 11760 or 11880, Section 3700.5 of the Labor Code or Section 487 or 550 of the Penal Code, if the violation involved workers' compensation insurance, services or benefits:

- The name, case number, county or court and other identifying information with respect to the case.
- The full name of the defendant.
- The city and county of the defendant's last known residence or business address.
- The date of conviction.
- A description of the offense.
- The amount of money alleged to have been defrauded.
- A description of the punishment imposed, including the length of any sentence of imprisonment and the amount of any fine imposed.

The information required to be posted under this section shall be maintained on the department Web site for a period of five years from the date of conviction or until the department is notified in writing by the person that the conviction has been reversed or expunged.

Note: If new documentation has been received that in any way affects the conviction information contained herein, please forward that documentation with an explanation to:

Bureau Chief, Workers' Compensation Program
9342 Tech Center Drive, Suite 100
Sacramento, CA 95826

A determination to make any changes will be made within sixty (60) days of receipt of the information.

November 2013 Workers' Compensation Fraud Convictions

CDI Case Number: 10AW004102

County: Placer

Defendant: David Winfield Bamberg

City/County of Residence: Roseville/Placer

Conviction Date: 11/12/13

Offense: 1 Count of IC 11760(a) (Misrepresent Fact to Obtain Workers' Compensation) (Misdemeanor)

Amount Allegedly Defrauded: \$12,000

Sentence: 1 Year Conditional Probation, Restitution Paid-In-Full, \$100 Civil Fine, \$100 Criminal Fine

CDI Case Name: Michoacano Bar/ Michoacano Taco Restaurant

CDI Case Number: 13JW011114/13JW012833

County: Los Angeles

Defendant: Josefina Cuevas

City/County of Residence: Pacoima/Los Angeles

Conviction Date: 11/06/13

Offense: 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

Amount Allegedly Defrauded: N/A

Sentence: \$50 Criminal Fine

CDI Case Name: Garduno Auto Repair

CDI Case Number: 13CW016178

County: Los Angeles

Defendant: Luis Garduno

City/County of Residence: Monrovia/Los Angeles

Conviction Date: 11/18/13

Offense: 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

Amount Allegedly Defrauded: N/A

Sentence: 2 Years Summary Probation, \$140 Restitution Fine, \$10,000 Criminal Fine (\$6,000 Suspended), \$136 Reimbursement for Providing Legal Assistance to Defendant

CDI Case Name: Alpha Limousine

CDI Case Number: 11GW018947

County: San Mateo

Defendant: Nabil Koshafa

City/County of Residence: Oakley/Contra Costa

Conviction Date: 11/13/13

Offense: 1 Count of IC 11760(a) (Misrepresent Facts to Obtain Workers' Compensation)

Amount Allegedly Defrauded: \$45,989.69

Sentence: 75 Days County Jail (Defendant Recommended to Sheriff's Alternative Sentencing Program), 3 Years Supervised Probation, Restitution Has Been Paid, \$280 Civil Fine, \$100 Per Month Supervised Probation Fee

CDI Case Number: 12AW019944

County: Sacramento

Defendant: Sally Kwong

City/County of Residence: Sacramento/Sacramento

Conviction Date: 11/18/13

Offense: 1 Count of IC 1871.4(a)(1) (Make or Cause to be Made a Knowingly False or Fraudulent Material Statement or Material Representation for the Purpose of Obtaining Compensation)

Amount Allegedly Defrauded: \$10,000

Sentence: 1 Year Informal Probation, \$140 Civil Fine, \$215 Criminal Fine (60 Hours of Alternative Sentencing Program In Lieu of Fine)

CDI Case Number: 13JW000963

County: Santa Barbara

Defendant: Ernesto Valle

City/County of Residence: Santa Maria/Santa Barbara

Conviction Date: 11/25/13

Offense: 1 Count of IC 1871.4(a)(2) (False or Misleading Statement in Support of Claim) (Misdemeanor)

Amount Allegedly Defrauded: \$15,920

Sentence: 3 Years Court Probation, \$15,920 Restitution, \$165 Civil Fine

CDI Case Name: Love Your Body Massage/Love Your Body Hair

CDI Case Number: 13JW012840/13JW012149

County: Los Angeles

Defendant: Raquel Villasenor

City/County of Residence: Sun Valley/Los Angeles

Conviction Date: 11/06/13

Offense: 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

Amount Allegedly Defrauded: N/A

Sentence: \$50 Criminal Fine

CDI Case Number: 13EW011563

County: San Diego

Defendant: Lance E. Wright

City/County of Residence: El Cajon/San Diego

Conviction Date: 11/12/13

Offense: 1 Count of IC 1871.4(a)(1) (Make or Cause to be Made a Knowingly False or Fraudulent Material Statement or Material Representation for the Purpose of Obtaining Compensation)

Amount Allegedly Defrauded: \$381.69

Sentence: 180 Days County Jail (Stayed Pending Successful Completion of Probation), 3 Years Formal Probation, \$381.69 Restitution Is Deemed Satisfied, \$280 Civil Fine, \$720 Criminal Fine, Pay \$1,127 Probation Costs are Stayed Pending Successful Completion of Probation; \$570 for Appointed Attorney Services is Stayed Pending Successful Completion of Probation